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9/10/96

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

SEP 10 1996

REPLY TO THE ATTENTION OF  
Ohio Drum Reconditioning

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

Re: Ohio Drum Reconditioning Site  
Cleveland, Ohio

Dear Sir or Madam:

Enclosed please find a unilateral Administrative Order issued by the U.S. Environmental Protection Agency ("U.S. EPA") under Section 106 of the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended by the Superfund Amendments and Reauthorization Act of 1986 ("CERCLA"), 42 U.S.C. Section 9601, et seq.

Please note that the Order allows an opportunity for a conference if requested within 4 business days after issuance of the Order, or if no conference is requested, an opportunity to submit comments within 7 business days of issuance of the Order.

If you have any questions regarding the Order, feel free to contact Kevin C. Chow, Assistant Regional Counsel, at (312) 353-6181 or Joseph Fredle, On-Scene Coordinator, at (216) 522-7260.

Sincerely yours,

A handwritten signature in black ink, appearing to read "W.E. Munro".

William E. Munro, Director  
Superfund Division

Enclosure

cc: Janice A. Carlson, OEPA Superfund Coordinator

Order. Compliance or noncompliance by one or more Respondent with any provision of this Order shall not excuse or justify noncompliance by any other Respondent.

Respondents shall ensure that their contractors, subcontractors, and representatives comply with this Order. Respondents shall be responsible for any noncompliance.

### III. FINDINGS OF FACT

Based on available information, including the Administrative Record in this matter, U.S. EPA hereby finds that:

1. Ohio Drum was a drum washing and reconditioning facility. It consists of one building and is bordered by a swamp to the south, and the Buckeye Metals facility and Brookside Auto Parts to the west. The facility is fenced only on the west side. Residential properties and a playground lie along a hillside to the east of the Site. It is estimated that 1,500 people live and 300 people work within 1,000 feet of the Site.
2. In 1979, the U.S. EPA conducted an inspection of the Ohio Drum facility. Inspectors observed a visible plume of contaminants entering Big Creek, a tributary of the Cuyahoga River and Lake Erie. Subsequent sampling indicated that Ohio Drum was discharging organic chemicals, polychlorinated biphenyls ("PCBs"), and heavy metals through a nearby swamp and into Big Creek. Sampling done by U.S. EPA in 1980 found high levels of PCBs (17,100 parts per million ["ppm"]), cadmium (120 ppm), chromium (880 ppm), lead (6,400 ppm), and mercury (86 ppm) in the swamp.
3. In May 1981, the U.S. EPA hired a contractor using the 311(k) fund of the Clean Water Act to dig a bypass ditch to prevent water flowing into the contaminated swamp, and to stop the leaching of contaminants into Big Creek. An earthen berm was constructed along the west and south sides of the swamp to prevent leaching.
4. In 1981, Ohio Drum Reconditioning Company, Inc. stopped operations and sold their equipment to Lomack Drum Co. who continued to operate the facility until a fire occurred in 1984. The Site has been abandoned since that time.
5. On March 3, 1991, U.S. EPA's Technical Assistance Team ("TAT") members performed a site assessment for the Ohio Drum Reconditioning Site. TAT members also noted human and animal footprints in the snow, and ducks were observed on the surface of the swamp during a subsequent site visit. Inspection of the swamp indicated that leachate was seeping from the southeastern end of the earthen berm. Soil/sediment samples from around the facility and in the swamp area were taken.

#### IV. CONCLUSIONS OF LAW AND DETERMINATIONS

Based on the Findings of Fact set forth above, and the Administrative Record supporting these removal actions, U.S. EPA determines that:

1. The Ohio Drum Reconditioning Site is a "facility" as defined by Section 101(9) of CERCLA, 42 U.S.C. § 9601(9).

2. PCBs, mercury, lead, chromium, cadmium, and PAHs are "hazardous substances" as defined by Section 101(14) of CERCLA, 42 U.S.C. § 9601(14).

3. Each Respondent is a "person" as defined by Section 101(21) of CERCLA, 42 U.S.C. § 9601(21).

4. Respondents Brookside Auto Parts, Inc., Mr. David Tvert, and Mr. Elmer Freiberg are the present "owners" and "operators" of the Ohio Drum Reconditioning Site, as defined by Section 101(20) of CERCLA, 42 U.S.C. § 9601(20). Respondents Archer-Daniels-Midland Company, Ashland Chemical Company, City Barrel & Drum Co., Cuyahoga Chemical Company, C. DeSantis Paints Manufacturing Company, Waterlox Coatings Corporation f/k/a Empire Varnish Company, General Steel Barrel Company, Baltimore-Ennis Land Company f/k/a Gibson-Homans, Leeco Corporation, The Lincoln Electric Company, Lomack Drum Company, Ohio Drum Reconditioning, Inc., Werner G., Smith, Inc., Technical Products, Inc., U.S. Steel-Lorain Works, and Youngstown Barrel & Drum Co., are either persons who at the time of disposal of any hazardous substances owned or operated the Ohio Drum Reconditioning Site, or who arranged for disposal or transport for disposal of hazardous substances at the Ohio Drum Reconditioning Site. Respondents are therefore liable persons under Section 107(a) of CERCLA, 42 U.S.C. § 9607(a).

5. The conditions described in the Findings of Fact above constitute an actual or threatened "release" into the "environment" as defined by Sections 101(8) and (22) of CERCLA, 42 U.S.C. §§ 9601(8) and (22).

6. The conditions present at the Site constitute a threat to public health, welfare, or the environment based upon the factors set forth in Section 300.415(b)(2) of the National Oil and Hazardous Substances Pollution Contingency Plan, as amended ("NCP"), 40 CFR Part 300. These factors include, but are not limited to, the following:

a. actual or potential exposure to nearby human populations, animals, or the food chain from hazardous substances, pollutants or contaminants; this factor is present at the Site due to the existence of the Ohio Drum Reconditioning Site's location in a mixed residential and commercial area. The nearest residence and a playground are approximately 200 feet from the Ohio Drum Reconditioning Site. The contaminated area

PCBs are classified according to the percent chlorination of a particular mixture. The higher the chlorine content of the diphenyl compound, the more toxic it is liable to be. Aroclor 1254, which is the predominant mixture present at the Ohio Drum Reconditioning Site, has an oral LD<sub>50</sub> (Lethal Dose, the concentration which elicits mortality in 50 percent of the exposed population) in the rat of 1,295 milligram per kilogram ("mg/kg") and a skin TD<sub>Lo</sub> (Toxic Dose, the lowest concentration which elicits an adverse response) of 4 mg/kg on a mouse. NIOSH recommends that exposure to Aroclor 1254 be limited to a TWA of 0.001 mg/m<sup>3</sup> and classifies the Aroclors as suspected human carcinogens.

The concentrations of PCBs detected at the Ohio Drum Reconditioning Site exceed the recommended action levels stated in U.S. EPA's August 15, 1990, "Guidance on Remedial Actions for Superfund Sites with PCB Contamination" (OSWER Directive 9355.4-01), as well as the regulatory action level established under the Toxic Substances and Control Act ("TSCA") regulations and the National PCB Spill Cleanup Policy, 40 CFR Part 761, Subpart G. There is potential for migration and exposure to PCBs from the locations where they were detected on the Ohio Drum Reconditioning Site since the Site is freely accessible. In 1976, use of PCBs in the United States was discontinued due to their persistence, toxicity, and ecological damage. The potential pathways of human exposure are direct dermal contact, possible ingestion of contaminated soils, and inhalation of windborne dust particles. Exposure to humans and wildlife is presently occurring, as evidenced by the footprints through the sediment and a pair of ducks were seen on the surface of the swamp. Wildlife, such as the ducks, are at risk because of bioaccumulation in the organisms lower in the food chain on which they feed.

Metallic mercury is highly toxic by skin absorption, ingestion and inhalation of fume or vapor and both inorganic and organic compounds are also considered toxic. The LC<sub>Lo</sub> by inhalation in the rabbit is 29 mg/m<sup>3</sup>. NIOSH recommends a TWA of 0.05 mg/m<sup>3</sup> for occupational exposure and an Immediately Dangerous to Life and Health ("IDLH") of 28 mg/m<sup>3</sup>. The highest concentration of mercury detected on site was 1,015 ppm in soils. Potential exposure pathways would be inhalation of windborne sediment/soil particles, ingestion of contaminated sediments/soils, and dermal absorption by direct contact.

NIOSH recommends that exposure to chromium metal be limited to a TWA of 0.5 mg/m<sup>3</sup>. The NIOSH TWA for hexavalent chromium compounds is 0.001 mg/m<sup>3</sup>. NIOSH considers all hexavalent chromium compounds to be potential occupational carcinogens. The highest concentration of chromium detected on site was 1,073 mg/kg in the swamp soils. This chromium could potentially pose a threat to human health if the swamp should

<u>Contaminant</u>	<u>Increase (ppb)</u>
chromium	8,000
PCBs	20
phenanthrene	440
anthracene	75
fluoranthene	460
pyrene	470
benzo-a-anthracene	180
chrysene	220
benzo-a-pyrene	180
2-methylnaphthalene	94
naphthalene	57
fluorene	92
benzo-k-fluoranthene	550
indeno (1,2,3-cd) pyrene	200
benzo (g,h,i) perylene	230
dibenzofuran	71

b. High levels of hazardous substances, pollutants or contaminants in soils largely at or near the surface, that may migrate; this factor is present at the Site due to the existence of contaminants that have migrated from the Ohio Drum Reconditioning Site to the swamp, and then from the swamp to Big Creek.

c. Weather conditions that may cause hazardous substances or pollutants or contaminants to migrate or be released; this factor is present at the Site due to the existence of the contaminated swamp located in a low lying area next to Big Creek. This area is prone to flooding which could flush contamination into the waterway. Also, when the weather is dry for a few weeks, the sediments dry out and can be carried by the wind to the nearby residential and playground areas.

7. The actual or threatened release of hazardous substances from the Site may present an imminent and substantial endangerment to the public health, welfare, or the environment within the meaning of Section 106(a) of CERCLA, 42 U.S.C. § 9606(a).

8. The removal actions required by this Order are necessary to protect the public health, welfare, or the environment, and are not inconsistent with the NCP and CERCLA.

#### V. ORDER

Based upon the foregoing Findings of Fact, Conclusions of Law, Determinations, and the Administrative Record for this Site, U.S. EPA hereby orders that Respondents perform the following actions:

Respondents are encouraged to make their submissions to U.S. EPA on recycled paper (which includes significant postconsumer waste paper content where possible) and using two-sided copies.

### 3. Work to Be Performed

Respondents shall perform, at a minimum, the following response activities:

- a. Establish site security.
- b. Develop and implement a site Health and Safety Plan.
- c. Identify, inventory, and characterize all hazardous substances contained in the soil and sediments on site.
- d. Excavate, treat, and dispose of off-site all soils and sediments that contain PCB contamination of 25 ppm or greater, or that are contaminated with lead above a site-specific cleanup level to be determined by U.S. EPA through use of the Integrated Exposure Uptake Biokinetic ("IEUBK") model for lead or by other appropriate method. Cover in place all soils and sediments that contain PCB contamination between 10 and 25 ppm PCBs.
- e. Impose deed restrictions or other appropriate institutional controls on affected properties.

#### 3.1 Work Plan and Implementation

Within 15 business days after the effective date of this Order, the Respondents shall submit to U.S. EPA for approval a draft Work Plan for performing the removal activities set forth above. The draft Work Plan shall provide a description of, and an expeditious schedule for, the activities required by this Order.

U.S. EPA may approve, disapprove, require revisions to, or modify the draft Work Plan. If U.S. EPA requires revisions, Respondents shall submit a revised draft Work Plan within 7 business days of notification. Respondents shall implement the Work Plan as finally approved in writing by U.S. EPA in accordance with the schedule approved by U.S. EPA. Once approved, or approved with modifications, the Work Plan, the schedule, and any subsequent modifications shall be fully enforceable under this Order. Respondents shall notify U.S. EPA at least 48 hours prior to performing any on-site work pursuant to the U.S. EPA approved work plan.

Respondents shall not commence or undertake any removal actions at the Site without prior U.S. EPA approval.

Any Respondent that owns any portion of the Site, and any successor in title shall, at least 30 days prior to the conveyance of any interest in real property at the Site, give written notice of this Order to the transferee and written notice of the proposed conveyance to U.S. EPA and the State. The notice to U.S. EPA and the State shall include the name and address of the transferee. The party conveying such an interest shall require that the transferee will provide access as described in Section V.4 (Access to Property and Information).

### 3.5 Final Report

Within 60 calendar days after completion of all removal actions required under this Order, the Respondents shall submit for U.S. EPA review a final report summarizing the actions taken to comply with this Order. The final report shall conform to the requirements set forth in Section 300.165 of the NCP. The final report shall also include a good faith estimate of total costs incurred in complying with the Order, a listing of quantities and types of materials removed, a discussion of removal and disposal options considered for those materials, a listing of the ultimate destinations of those materials, a presentation of the analytical results of all sampling and analyses performed, and accompanying appendices containing all relevant documentation generated during the removal action (e.g., manifests, invoices, bills, contracts, and permits).

The final report shall also include the following certification signed by a person who supervised or directed the preparation of that report:

Under penalty of law, I certify that, to the best of my knowledge, after appropriate inquiries of all relevant persons involved in the preparation of this report, the information submitted is true, accurate, and complete.

### 4. Access to Property and Information

Respondents shall provide or obtain access as necessary to the Site and all appropriate off-site areas, and shall provide access to all records and documentation related to the conditions at the Site and the activities conducted pursuant to this Order. Such access shall be provided to U.S. EPA employees, contractors, agents, consultants, designees, representatives, and State of Ohio representatives. These individuals shall be permitted to move freely at the Site and appropriate off-site areas in order to conduct activities which U.S. EPA determines to be necessary. Respondents shall submit to U.S. EPA, upon request, the results of all sampling or tests and all other data generated by Respondents or their contractors, or on the Respondents' behalf during implementation of this Order.

#### 8. Emergency Response and Notification of Releases

If any incident, or change in Site conditions, during the activities conducted pursuant to this Order causes or threatens to cause an additional release of hazardous substances from the Site or an endangerment to the public health, welfare, or the environment, the Respondents shall immediately take all appropriate action to prevent, abate or minimize such release, or endangerment caused or threatened by the release. Respondents shall also immediately notify the OSC or, in the event of his/her unavailability, shall notify the Regional Duty Officer, Emergency Response Branch, Region 5 at (312) 353-2318, of the incident or Site conditions.

Respondents shall submit a written report to U.S. EPA within 7 business days after each release, setting forth the events that occurred and the measures taken or to be taken to mitigate any release or endangerment caused or threatened by the release and to prevent the reoccurrence of such a release. Respondents shall also comply with any other notification requirements, including those in CERCLA Section 103, 42 U.S.C. § 9603, and Section 304 of the Emergency Planning and Community Right-To-Know Act, 42 U.S.C. § 11004.

#### VI. AUTHORITY OF THE U.S. EPA ON-SCENE COORDINATOR

The OSC shall be responsible for overseeing the implementation of this Order. The OSC shall have the authority vested in an OSC by the NCP, including the authority to halt, conduct, or direct any work required by this Order, or to direct any other response action undertaken by U.S. EPA or Respondents at the Site. Absence of the OSC from the Site shall not be cause for stoppage of work unless specifically directed by the OSC.

U.S. EPA and Respondents shall have the right to change their designated OSC or Project Coordinator. U.S. EPA shall notify the Respondents, and Respondents shall notify U.S. EPA, as early as possible before such a change is made, but in no case less than 24 hours before such a change. Notification may initially be made orally, but shall be followed promptly by written notice.

#### VII. PENALTIES FOR NONCOMPLIANCE

Violation of any provision of this Order may subject Respondents to civil penalties of up to \$25,000 per violation per day, as provided in Section 106(b)(1) of CERCLA, 42 U.S.C. § 9606(b)(1). Respondents may also be subject to punitive damages in an amount up to three times the amount of any cost incurred by the United States as a result of such violation, as provided in Section 107(c)(3) of CERCLA, 42 U.S.C. § 9607(c)(3). Should Respondents violate this Order or any portion hereof, U.S. EPA may carry out the required



and necessary, or to require the Respondents in the future to perform additional activities pursuant to CERCLA or any other applicable law.

#### **X. OTHER CLAIMS**

By issuance of this Order, the United States and U.S. EPA assume no liability for injuries or damages to persons or property resulting from any acts or omissions of Respondents. The United States or U.S. EPA shall not be a party or be held out as a party to any contract entered into by the Respondents or their directors, officers, employees, agents, successors, representatives, assigns, contractors, or consultants in carrying out activities pursuant to this Order.

This Order does not constitute a pre-authorization of funds under Section 111(a)(2) of CERCLA, 42 U.S.C. § 9611(a)(2).

Nothing in this Order constitutes a satisfaction of or release from any claim or cause of action against the Respondents or any person not a party to this Order, for any liability such person may have under CERCLA, other statutes, or the common law, including but not limited to any claims of the United States for costs, damages and interest under Sections 106(a) or 107(a) of CERCLA, 42 U.S.C. §§ 9606(a), 9607(a).

#### **XI. MODIFICATIONS**

Modifications to any plan or schedule may be made in writing by the OSC or at the OSC's oral direction. If the OSC makes an oral modification, it will be memorialized in writing within 7 business days; however, the effective date of the modification shall be the date of the OSC's oral direction. The rest of the Order, or any other portion of the Order, may only be modified in writing by signature of the Director, Superfund Division, Region 5.

If Respondents seek permission to deviate from any approved plan or schedule, Respondents' Project Coordinator shall submit a written request to U.S. EPA for approval outlining the proposed modification and its basis.

No informal advice, guidance, suggestion, or comment by U.S. EPA regarding reports, plans, specifications, schedules, or any other writing submitted by the Respondents shall relieve Respondents of their obligations to obtain such formal approval as may be required by this Order, and to comply with all requirements of this Order unless it is formally modified.

**XV. SEVERABILITY**

If a court issues an order that invalidates any provision of this Order or finds that Respondents have sufficient cause not to comply with one or more provisions of this Order, Respondents shall remain bound to comply with all provisions of this Order not invalidated by the court's order.

**XVI. EFFECTIVE DATE**

This Order shall be effective 5 business days following issuance unless a conference is requested as provided herein. If a conference is requested, this Order shall be effective 1 business day after the day of the conference.

IT IS SO ORDERED

BY: W. E. Munro

William E. Munro, Director  
Superfund Division  
United States  
Environmental Protection Agency  
Region 5

DATE: 2/10/76

U.S. ENVIRONMENTAL PROTECTION AGENCY  
REMOVAL ACTION

ADMINISTRATIVE RECORD  
FOR  
OHIO DRUM RECONDITIONING, INC. SITE  
CLEVELAND, OHIO

UPDATE #2  
MARCH 13, 1996

<u>DATE</u>	<u>AUTHOR</u>	<u>RECIPIENT</u>	<u>TITLE/DESCRIPTION</u>	<u>PAGES</u>
06/12/92	Beals, R., Ohio EPA	Fredle, J., U.S. EPA	Letter re: Site Summary and Support for U.S. EPA Assistance	2
06/29/93	Shelley, T., Ohio Dept. of Health	Muno, B., U.S. EPA	Health Consultation, Ohio Drum Reconditioning Site, Cleveland, OH w/Cover Letter	12

U.S. ENVIRONMENTAL PROTECTION AGENCY  
REMOVAL ACTION

ADMINISTRATIVE RECORD  
FOR  
OHIO DRUM RECONDITIONING COMPANY, INC.

UPDATE #1  
CLEVELAND, OHIO

April 16, 1993

<u>DATE</u>	<u>AUTHOR</u>	<u>RECIPIENT</u>	<u>TITLE/DESCRIPTION</u>	<u>PAGES</u>
08/00/92	Roy F., Weston, Inc.	Zownir, A., U.S. EPA	Soil Sampling and Treatability Study	294

ATTACHMENT A

LIST OF RESPONDENTS RECEIVING UNILATERAL ADMINISTRATIVE ORDER

Archer-Daniels-Midland Company  
c/o C T Corporation System  
Registered Agent  
815 Superior Avenue, NE  
Cleveland, Ohio 44114

Ashland Chemical Company  
c/o Gertrude M. Kelly, Esq.  
Law Department  
Post Office Box 2219  
Columbus, Ohio 43216

City Barrel & Drum Co.  
2881 East 91st Street  
Cleveland, Ohio 44104

Cuyahoga Chemical Company  
c/o Mr. Paul A. Moffat  
Registered Agent  
270 Bradley Road  
Bay Village, Ohio 44140

C. DeSantis Paints Manufacturing Company  
4101 East 116th Street  
Cleveland, Ohio 44105

Waterlox Coatings Corporation  
f/k/a Empire Varnish Company  
c/o Mr. John Hawkins, Manager  
9808 Meech Avenue  
Cleveland, Ohio 44105

Mr. Elmer Freiberg  
c/o Michael McMahon, Esq.  
McMahon, DeGulis & Hoffman  
The Kaxton Building  
812 Huron Road, Suite 650  
Cleveland, Ohio 44115-1126

General Steel Barrel Company  
c/o Michael McMahon, Esq.  
McMahon, DeGulis & Hoffman  
The Kaxton Building  
812 Huron Road, Suite 650  
Cleveland, Ohio 44115-1126

Baltimore-Ennis Land Company  
f/k/a Gibson-Homans  
c/o Karen A. Mignone, Esq.  
Hannoch Weisman  
Post Office Box 1040  
Newark, New Jersey 07101-9819

Leeco Corporation  
c/o Ms. Jeanette C. McIntyre  
Registered Agent  
Post Office Box 98  
Madison, Ohio 44057

The Lincoln Electric Company  
c/o H. Jay Elliott  
Registered Agent  
22801 St. Clair Avenue  
Cleveland, Ohio 44117

Lomack Drum Company  
c/o Mr. Lomack J. Gray  
31370 Hiram Trail  
Chagrin Falls, Ohio 44022

Ohio Drum Reconditioning, Inc.  
c/o Michael McMahon, Esq.  
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Cleveland, Ohio 44115-1126

Werner G. Smith, Inc.  
c/o John E. Sullivan, Esq.  
Baker & Hostetler  
3200 National City Center  
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Cleveland, Ohio 44114-3485

Technical Products, Inc.  
c/o Mr. Richard J. Kelly  
Registered Agent  
3500 Ridge Road  
Cleveland, Ohio 44102

Mr. David Tvert  
c/o Michael McMahon, Esq.  
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